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# Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

## I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council established the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested me to report at regular intervals on the implementation of its mandate. The report covers the activities of UNMIK and developments relating thereto from 16 April to 15 July 2017.

2. The priorities of the Mission remain to promote security, stability and respect for human rights in Kosovo and the region. In furtherance of its goals, UNMIK continues its constructive engagement with Pristina and Belgrade, all communities in Kosovo and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission in Kosovo (EULEX) continues its presence in Kosovo, in line with the statement by the President of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692). The United Nations agencies, funds and programmes work closely with the Mission.

## II. Political and security developments

3. The reporting period was marked by a collapse of the coalition government led by the Democratic Party of Kosovo and the Democratic League of Kosovo and subsequently, by early legislative elections. The government fell following a vote held in the Assembly of Kosovo, on 10 May, on a motion of no confidence in the government submitted by the then opposition party, Initiative for Kosovo. The motion, which passed with 78 votes in favour, was supported by, inter alia, the votes of 34 of the 36 deputies of the governing Democratic Party of Kosovo. As a result of the vote, the Assembly was dissolved and early legislative elections were scheduled for 11 June.

4. In preparation for the elections, on 31 May, the Kosovo Central Election Commission published the final voter list, consisting of 1,872,941 eligible voters, including 155,202 first-time voters. The Commission announced that there would be a total of 889 voting centres, comprising 2,490 polling stations. In response to an



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invitation from the President of Kosovo, Hashim Thaçi, on 30 May, the European Union announced the deployment of an election observation mission to Kosovo.

5. The 10-day electoral campaign period began on 31 May. In total, 26 political entities, comprising five pre-election coalitions, 19 political parties and two citizens' initiatives, competed for the 120 seats in the Assembly of Kosovo. After intense negotiations, the Democratic Party of Kosovo formed a pre-election coalition with the Alliance for the Future of Kosovo, the Initiative for Kosovo and 10 other small Kosovo Albanian political parties, in a grouping of all major "veteran" parties of the Kosovo Liberation Army within a single electoral entity. The coalition nominated the leader of the Alliance for the Future of Kosovo, Ramush Haradinaj, as its candidate for Prime Minister. The Democratic League of Kosovo formed a pre-election coalition with New Kosovo Alliance and the newly formed Alternativa party, with Avdullah Hoti, from the Democratic League of Kosovo, as its candidate for Prime Minister. Vetëvendosje ("Movement for Self-Determination") was the only major Kosovo Albanian party that chose not to enter a pre-election coalition. Vetëvendosje nominated former party leader Albin Kurti as its candidate for Prime Minister.

6. In the pre-election period, there was a reconfiguration of the Kosovo Serb political landscape, with the transformation of the political grouping Građjanska Inicijativa Srpska Lista into a political party that was publicly supported by representatives of the Government of Serbia. In addition, a number of Kosovo Serb politicians formerly aligned with Građjanska Inicijativa Srpska Lista decided to present their own lists for the election, which contributed to a relatively tense campaign period, with alleged instances of intimidation and politically motivated security incidents. On 5 June, the Chief Observer of the European Union election observation mission criticized the campaign environment and called upon police and prosecutors to investigate all such incidents promptly and rigorously. In its preliminary findings, on 13 June, the observation mission specifically noted that the election environment in Kosovo Serb-majority municipalities "was marred by intimidation and instances of violence from within the Kosovo Serb community against candidates and voters".

7. Local and international election observers concluded that the legislative elections on 11 June had been held without major incidents or irregularities other than the aforementioned localized incidents of voter intimidation and long unresolved problems regarding voter lists and the full participation of voters outside Kosovo. The Chief Observer of the observation mission, in presenting the preliminary findings, assessed the elections of 11 June in Kosovo as "genuinely competitive and peaceful in most parts". The President of Kosovo welcomed the mission's preliminary findings, which, in his view, "confirmed that the elections were free, democratic and in line with international standards".

8. The Central Election Commission announced the certified election results on 8 July. The coalition of the Democratic Party of Kosovo, Alliance for the Future of Kosovo, Initiative for Kosovo and others had obtained 33.7 per cent of the votes, securing 39 seats in the Assembly of Kosovo. Vetëvendosje had obtained 27.49 per cent of the votes and 32 seats and the coalition of the Democratic League of Kosovo, New Kosovo Alliance and Alternativa had obtained 25.53 per cent of the votes and 29 seats. Građjanska Inicijativa Srpska Lista had secured 9 of the 10 seats guaranteed for representatives of the Kosovo Serb community, with the Independent Liberal Party winning the tenth. Political representatives of the Ashkali, Bosniak, Gorani, Roma and Turkish communities collectively filled the 10 seats guaranteed for other non-majority communities. No party or pre-election coalition secured a governing majority, and by the end of the reporting period, no post-election alliance

had been established in order to form a government. The Assembly must hold its constitutive meeting no later than 7 August.

9. Separately, following a consultative meeting with representatives of political parties and the Central Election Commission, on 22 June, the President of Kosovo announced that local elections in Kosovo would be held on 22 October.

10. Some serious tensions were evident during the period under review. On 5 May, a young Kosovo Albanian was fatally shot at a bar in the vicinity of the main bridge in South Mitrovica. In response to the incident, on 7 May, some 4,000 people protested in South Mitrovica to condemn the violence and demand justice. Also on 5 May, some 100 Vetëvendosje activists demonstrated in front of the Ministry of Justice in Pristina, demanding justice for Astrit Dehari, a member of their party who had died in custody on 5 November 2016. The protest turned violent, with protesters throwing stones at Kosovo police officers, injuring two of them, and vandalizing up to 60 vehicles of the Ministry of Justice and the Kosovo police. In a separate incident, on 13 May, in Pristina, a prominent Kosovo journalist, Arbana Xharra, sustained serious injuries in a physical assault by unknown perpetrators. Ms. Xharra had previously been the target of threats and attacks for her articles on political corruption and the danger of religious extremism. Local leaders and international community representatives condemned the attack and called upon law enforcement authorities to bring the perpetrators to justice.

11. On 20 April, the Election Commission of the Republic of Serbia declared the final results of that country's presidential election, held on 2 April, confirming the victory of the former Prime Minister, Aleksandar Vučić, with 55.08 per cent of the votes. On 31 May, Mr. Vučić was sworn in as the new President of Serbia, at a special session of the Serbian parliament. The new Government of Serbia was approved by the Assembly on 29 June. The new Prime Minister, Ana Brnabić, is a former Minister of Public Administration and Local Self-government. There has been no change in the leadership of the Government of Serbia Office for Kosovo and Metohija.

## III. Northern Kosovo

12. The elections on 11 June marked the highest voter turnout in the northern municipalities since 1999. On the day of the elections, OSCE, at the request of the Central Election Commission, provided technical assistance at all 44 polling centres in northern Kosovo. Significantly, the elections were publicly supported by the Government of Serbia, and on 21 May, the newly elected President of Serbia, Mr. Vučić, personally encouraged Kosovo Serbs to vote for Građjanska Inicijativa Srpska Lista.

13. Several incidents during the reporting period fuelled perceptions of weak rule of law, impunity and the influence of criminal elements in northern Kosovo. An attempted armed robbery of an armoured vehicle carrying cash was reported on 17 May near the Gate 1 crossing of the Administrative Boundary Line; shots were fired during the incident. Other incidents included a 29 May attack with a firearm on the building housing the headquarters of the Party of Kosovo Serbs in Leposavić/Leposaviq, and an altercation on 4 June in Leposavić/Leposaviq between the head of the Party of Kosovo Serbs and Građjanska Inicijativa Srpska Lista supporters, during which the Kosovo police confiscated a weapon. Subsequently, on 5 June, the driver of the mayor of Leposavić/Leposaviq was physically assaulted during a protest organized by Građjanska Inicijativa Srpska Lista supporters in front of the Centre for Social Welfare in Leposavić/Leposaviq. The incident reportedly took place in the immediate vicinity of Kosovo police officers, who later reported



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that they had not witnessed the assault. In a separate incident, on 26 June, four unknown perpetrators assaulted three Kosovo Albanians in the pedestrian zone of North Mitrovica; the victims were taken to the hospital in South Mitrovica. To date, nobody has been prosecuted in connection with those cases.

14. The main bridge between North and South Mitrovica was not opened for vehicular traffic. After a cluster of public security incidents in North Mitrovica in mid-April, including a series of inter-ethnic incidents, the mayor of North Mitrovica suspended construction on and around the northern side of the bridge, including on the roundabout that constitutes the main feature of the construction plans for that end of the bridge. Furthermore, the mayor requested KFOR to increase its presence in Mitrovica, and Kosovo police to tighten security checks, in ethnically mixed areas. Construction work on the bridge resumed on 10 July.

## IV. Relations between Pristina and Belgrade

15. The reporting period was marked by limited progress in the European Union-facilitated dialogue between Belgrade and Pristina. On 3 July, the European Union High Representative for Foreign Affairs and Security Policy, Federica Mogherini, hosted an informal meeting between Mr. Vučić and Mr. Thaçi in Brussels. According to a press release issued by the European External Action Service, Presidents Vučić and Thaçi agreed "to work on starting a new phase of the dialogue" and "stressed the importance of the implementation of the agreements reached in the dialogue without delay".

16. During the period under review, no progress was made in the implementation of the existing agreement on the establishment of the Association/Community of Serb-majority municipalities or on judicial integration. On 1 May, however, in accordance with the agreement on telecommunications, two Serbian telephone service providers, VIP and Telenor, ceased operations in Kosovo. The newly established Kosovo subsidiary of Telekom Srbija has been authorized to operate fixed-line and mobile telephone services in Kosovo.

17. On 27 April, French judicial authorities declined a Serbian request for the extradition of Ramush Haradinaj in response to an arrest warrant issued for war crimes allegedly committed between 1998 and 1999. The Government of Serbia submitted a formal protest note to the Ambassador of France to Serbia. In a public address upon his return to Kosovo, Mr. Haradinaj termed Serbia's extradition request "a call to war" and, in reference to "our enemy, Serbia", threatened that "we will do to them far worse than we did back then".

18. On 2 May, the Kosovo police began the implementation of a Kosovo directive, under which Serbian passports issued by the Coordination Directorate of the Ministry of the Interior of Serbia, which is responsible for issuing passports to Serbs living in Kosovo, are no longer valid for travel to and from Kosovo. During the reporting period, travellers using those passports were prevented from crossing into or leaving Kosovo. The Minister for Dialogue of Kosovo stated, on 2 May, that the Coordination Directorate is an illegal structure and, therefore, its passports are not recognized. By contrast, the Serbian authorities contested that, as a central institution located in Belgrade, the Coordination Directorate cannot be considered to be a Serbian "parallel institution" operating in Kosovo. At the time of reporting, the travel restriction remained in force. In practice, Kosovo Serbs seeking to acquire personal identity documents in Kosovo continue to face administrative difficulties resulting from stringent restrictions on the admissibility of supporting documentation, in particular, civil documents issued by Serbian institutions.

19. In an 18 April interview with *Politico Europe* in Brussels, the Prime Minister of Albania, Edi Rama, raised the prospect of regional unions, should the European Union membership aspirations of Balkan countries not be realized. Other politicians from the region seized the opportunity to shape this position into a nationalist context. In an interview with Radio Free Europe on 19 April, the President of Kosovo remarked that all Albanians in the region would be united in one space, should the European Union membership aspirations of Kosovo not be fulfilled. Subsequently, on 20 April, the President of the National Council of Albanians of Serbia stated to the Albanian-language news agency, Presheva Jone, that Albania and Kosovo should "show Serbia that this is a part of Albania that must not be touched", referring to mixed-ethnicity municipalities in southern Serbia. On 5 May, the Government of Serbia delivered a non-paper to representatives of the diplomatic community, protesting "the legitimization of the Greater Albania project".

## V. Returns, reconciliation, community relations and cultural heritage

20. During the first half of 2017, the Office of the United Nations High Commissioner for Refugees recorded 218 individual voluntary returns to Kosovo by members of non-majority communities, including 102 Serbs and 104 members of the Roma-Ashkali-Egyptian community. The Office estimates that, as at the end of June, the total number of voluntary returns by members of non-majority communities since 2000 stood at 27,504. The total number of internally displaced persons living in Kosovo stood at 16,439, a reduction of 24 compared with that of the previous reporting period.

21. UNMIK continued its engagement with municipal authorities and community representatives in support of their efforts to protect the rights of communities and promote intercommunity reconciliation, trust-building and returns. My Special Representative held discussions with municipal and community leaders in 23 of the 38 municipalities in Kosovo. As part of a broader strategy in support of intercommunity trust-building, UNMIK also facilitated a range of activities with municipal communities' committees and the municipal offices of communities and returns, with a view to identifying challenges and potential remedial measures and enhancing communication between municipal and central institutions.

22. In a notable effort to promote reconciliation in Kosovo, on 19 May, more than 250 young people from Kosovo Albanian, Ashkali, Bosniak, Roma and Serb communities participated in a 16-km "multi-ethnic march" in the municipality of Obiliq/Obilić, with the aim of challenging prejudice and promoting dialogue.

23. UNMIK continued to implement Security Council resolution 2250 (2015) on youth, peace and security. On 28 and 29 June, UNMIK organized the first Kosovo Youth Assembly under the heading "Advancing youth, peace and security in Kosovo together". The event, which was attended by more than 140 young leaders (60 per cent women and 40 per cent men) from all communities and by representatives from the Ministry of Culture, Youth and Sport of Kosovo, the European Union, OSCE and the United Nations Kosovo Team, paved the way for greater youth engagement in support of intercommunity cooperation. Participants discussed concerns, exchanged ideas and developed recommendations for local authorities, the United Nations and other relevant stakeholders.

24. The authorities in Kosovo continued to implement the Kosovo strategy on prevention of violent extremism and radicalization leading to terrorism 2015-2020. Some municipalities, in collaboration with local and international organizations, engaged constructively with young people in an effort to prevent the radicalization

of youth. On 18 May, a conference organized in Pejë/Peć by a local non-governmental organization and the local Youth Action Council, on the theme of joint engagement against violent extremism, addressed the importance of tolerance, peaceful cohabitation and the greater political participation of young people and women in order to prevent and counter violent extremism. In another initiative, also in May, the regional directorate of the Kosovo police in Ferizaj/Uroševac launched a series of awareness-raising campaigns on the consequences of extremism and religious radicalization for secondary school pupils.

25. Incidents of desecration occurred during the reporting period, including the desecration of two gravestones at the Serbian Orthodox graveyard in the village of Vrbovac, in the municipality of Kllokot/Klokot, on 9 May, and damage to the Serbian Orthodox Church in the village of Zallq/Žač, in the municipality of Istog/Istok, on 10 May.

26. The local authorities in Deçan/Dečani continued to oppose the implementation of the ruling of the Constitutional Court of Kosovo in 2016 in favour of the Visoki Dečani Monastery in a case of disputed land ownership. The European Union Special Representative issued a public condemnation of the lack of implementation of the Constitutional Court ruling and called upon the Kosovo authorities "to demonstrate respect for the rule of law". The Deçan/Dečani municipal authorities, however, refused to permit the registration of ownership in the municipal cadastre.

27. Civil society organizations expressed concern about contravention of the law on the special protective zone for the historic centre of Prizren, which allegedly reflects the deficiencies of law enforcement and negligence by local and central institutions. Of the 382 residential houses registered in 2006, only 155 reportedly remain intact. In addition, protected cultural heritage sites were reportedly converted into hotels and illegal car parks.

## VI. Human rights and the rule of law

28. On 26 May, my Spokesperson issued a statement reiterating the appreciation of the United Nations for the valuable work of the Human Rights Advisory Panel, which examined alleged violations of human rights by UNMIK. Among the cases reviewed by the Panel was a complaint submitted by 138 individuals from the Roma, Ashkali and Egyptian communities that they had suffered from lead poisoning and other serious health consequences as a result of their relocation to camps for internally displaced persons in northern Kosovo. In this respect, in my statement of 26 May, I expressed the Organization's profound regret for the suffering endured by all individuals living in the camps and announced my decision to establish, as an exceptional measure, a trust fund that will implement community-based assistance projects, primarily in North and South Mitrovica and Leposavić/Leposaviq, which will benefit the Roma, Ashkali and Egyptian communities. The assistance projects will focus on the most pressing needs of the vulnerable, with an emphasis on health services, economic development and infrastructure.

29. Supporting the search for missing persons remains a core priority in the work of UNMIK. During the reporting period, UNMIK supported the establishment of a missing persons resource centre in Pristina, an initiative that brings together Albanian and Serb associations of the families of missing persons in an effort to find those who remain missing and to call for better performance by politicians, institutions and the international community in this regard. In addition, on 29 and 30 June, UNMIK and the Office of the United Nations High Commissioner for Human Rights, in consultation with the International Committee of the Red Cross,

organized a round table on missing persons at the United Nations Office at Geneva. The round table, which was opened with remarks by the High Commissioner for Human Rights and my Special Representative, brought together members of the Belgrade and Pristina delegations to the Working Group on Missing Persons, representatives of missing persons' families associations, the International Committee of the Red Cross, members of the Working Group on Enforced or Involuntary Disappearances, and the United Nations member of the Committee on Missing Persons in Cyprus to call for decisive action to determine the fate of the 1,658 persons who are still missing following the conflict in Kosovo. Members of the round table discussed specific issues, and participants identified key challenges to be addressed in order to re-energize the Working Group on Missing Persons, increase collaboration and improve results.

30. In the course of the Mission's engagement with municipal authorities, including municipal mechanisms with responsibility for the protection of non-majority communities and vulnerable groups, attention was drawn to a systematic lack of compliance with the Law on the Use of Languages. Several Kosovo institutions — at the central and local levels — provide services in only one language, whether Albanian or Serbian. The main challenge derives from a shortage of qualified translators, resulting in official documents being issued without legally required translations. This not only causes practical difficulties, but undermines efforts to build trust between communities and between individuals and institutions.

31. On 21 and 22 June, UNMIK, in cooperation with the Office of the High Commissioner for Human Rights, organized a knowledge exchange event in Pristina to promote the protection of human rights while countering terrorism and preventing violent extremism. The event contributed to enhancing the knowledge and operational capacity of partners from civil society, Kosovo institutions and international organizations, to ensure respect for human rights in the course of preventing terrorism.

32. On 14 June, the Kosovo Specialist Prosecutor's Office indicted nine individuals for terrorism-related offences in connection with attacks planned on the occasion of an international football match between Israel and Albania in November 2016. Separately, it was reported that a commander of Kosovo Albanians fighting for Islamic State in Iraq and the Levant (ISIL) was killed on 8 June, during combat operations in the Syrian Arab Republic.

33. On 27 June, four persons from Kosovo were arrested in Klinë/Klina and charged with the illegal trafficking of weapons. In addition, an employee of the Kosovo office in New York was arrested and charged with arms trafficking, drug trafficking and money-laundering in connection with the arrests in Klinë/Klina.

34. As part of a continuing criminal investigation by the Kosovo Specialist Prosecutor's Office, on 5 July, in a joint operation by the Kosovo police and EULEX, two suspects were apprehended in connection with the murder in 2004 of one UNMIK police officer and one Kosovo police officer and the attempted murder of two other law enforcement officers. One additional suspect was extradited from Germany.

35. On 3 July, the Supreme Court of Kosovo acquitted a former senior member of the so-called Drenica Group of the Kosovo Liberation Army, a prominent member of the Democratic Party of Kosovo and the mayor of Skenderaj/Srbica, Sami Lushtaku, of charges of war crimes. The ruling of the Supreme Court is final and cannot be appealed.

36. On 28 June, the Constitutional Court of Kosovo confirmed that the revised rules of procedure and evidence of the Kosovo Specialist Chambers, located in The

Hague, are in compliance with the Constitution of Kosovo. As a result of this ruling, on 5 July, the Chambers became operational and in a position to receive any filing or indictment from the Specialist Prosecutor's Office.

37. The Executive Committee of the International Criminal Police Organization (INTERPOL) has included the existing application of Kosovo for membership in the organization on the provisional agenda of the 86th session of the INTERPOL General Assembly, to be held in September 2017. The Assembly will decide whether to accept the provisional agenda, and vote on the application.

## VII. Partnerships and cooperation

38. UNMIK continued to facilitate liaison between the Kosovo authorities and INTERPOL. Institutions in Kosovo complied fully with agreed procedures for liaison with INTERPOL through UNMIK. During the reporting period, UNMIK received 28 requests for the issuance of international wanted notices and 13 Red Notices were published. UNMIK also continued to provide document certification services. A total of 398 documents were processed, comprising 243 relating to pensions, for the Republic of Serbia, and 155 relating to civil status, such as high school documents, university diplomas and marriage, birth and death certificates.

39. My Special Representative maintained close coordination with international partners in Kosovo, including the KFOR Commander, the European Union Special Representative, the Head of the OSCE Mission in Kosovo, the Head of EULEX and the Head of the Council of Europe office in Kosovo.

40. In May, the United Nations Entity for Gender Equality and the Empowerment of Women, together with the Kosovo Specialist Prosecutor's Office, organized an expert meeting on conflict-related sexual violence and provided case-based mentoring for local prosecutors and investigators of war crimes. The United Nations Children's Fund supported the Office of the Ombudsperson to establish an online platform entitled "Know Your Rights", a facility for schools, communities, young people and families to report cases of violations of human rights. On 28 June, the United Nations Development Programme and the United States Agency for International Development released a special edition of their "Public Pulse" perceptions survey, with a focus on the rise of violent extremism in Kosovo. The survey highlights a weak education system, an identity crisis and a general sense of isolation as drivers of violent extremism in Kosovo.

## VIII. Observations

41. I commend the efforts of the Kosovo institutions, local and international observers, security providers and voters on the successful conduct of early legislative elections in Kosovo. I call upon those who will form the new government of Kosovo to govern responsibly, and upon the future opposition to work constructively to promote transparency and accountability. It is vitally important for the new administration to find agreement to permit the implementation of outstanding policy priorities, and to work together responsibly to meet the considerable challenges that lie ahead and take advantage of the many opportunities that exist in Kosovo.

42. The dialogue between Pristina and Belgrade faces serious challenges. I encourage commitment to the principle that disagreements must be resolved by peaceful means exclusively. I urge both parties to re-engage in the dialogue and bring new vitality to the process. I note with appreciation the efforts of the

European Union to keep Belgrade and Pristina engaged during the reporting period, during which there were interruptions to the administrations of both Serbia and Kosovo.

43. The beginning of the reporting period was marked by incidents of bellicose and inflammatory rhetoric. I call upon political leaders in Kosovo and the region to refrain from statements and actions that fuel ethnic nationalism and discord. I encourage the new governments in Belgrade and Pristina to provide an impetus for constructive engagement in order to address outstanding issues in a positive atmosphere.

44. The rule of law, and its impartial application, is a cornerstone in the foundation of any democratic society. I encourage greater efforts to consolidate the rule of law in Kosovo, in particular in relation to the protection of fundamental rights and freedoms, of vulnerable groups and of cultural heritage. The operational readiness of the Kosovo Specialist Chambers is a positive development for justice and reconciliation. It is critical that the institution receive full cooperation from all parties and not be hindered in the effective discharge of its duties.

45. I welcome the joint event organized by UNMIK and the Office of the High Commissioner for Human Rights to raise awareness of and help to address the issue of missing persons. I call upon the political leaders, institutions and international community to demonstrate their commitment to pursuing this priority and bringing peace to those who have suffered.

46. I appreciate the engagement of the Mission with the local government and communities, in particular my Special Representative's constructive cooperation with municipal administrations, including with respect to the protection and well-being of non-majority communities and vulnerable groups. I note with appreciation the first Kosovo Youth Assembly, which brought together young people from all of Kosovo's communities to jointly plan a brighter future and demonstrate that the desire for reconciliation is present within Kosovo society. The initiatives highlighted in the present report are part of a strategy by UNMIK to foster societal reconciliation, which I fully support as essential to the implementation of the Mission's mandate to promote peace and stability.

47. I call upon Member States to support the trust fund established in follow-up to the recommendations of the Human Rights Advisory Panel. Their generous support will go a long way towards addressing the most pressing needs of the affected communities.

48. I thank my Special Representative for his engagement with leaders in Pristina and Belgrade, local leaders and communities, representatives of civil society and partners in the international community. The capacities of UNMIK are at the service of all parties seeking to make a positive contribution to peace and security in Kosovo.

49. I conclude by reiterating my gratitude to the long-standing partners of the United Nations in Kosovo, including KFOR, the European Union and OSCE, and to the United Nations agencies, funds and programmes on the ground for their outstanding teamwork and collaboration with UNMIK.

# Annex I

## Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo from 16 April to 15 July 2017

### 1. Summary

The Kosovo police have seen further improvements in their technical capabilities, operating increasingly independently and without the need for advice and requiring mainly strategic support in selective areas, as can be seen in the continuous, year-on-year, operational improvements of the Kosovo police during the annual Vidovdan Day/Saint Vitus Day celebration and culminating in this year's professional performance.

The preferential treatment of high-profile prisoners in relation to the determination of their detention conditions remains an issue of concern.

The European Union Rule of Law Mission in Kosovo (EULEX) made progress in its investigations of a number of cases and continued its efforts to bring the cases, which are at various stages of trial, to conclusion.

### 2. Activities of the European Union Rule of Law Mission in Kosovo

#### 2.1 Executive

*War crimes*

During the reporting period, three indictments were filed at the Mitrovica Basic Court against a defendant extradited from Montenegro and suspected of committing war crimes against the civilian population.

On 26 April, the trial proceedings of a war crimes case against a defendant at the Mitrovica Basic Court were postponed, following a request for the protection of legality against the judgment of the Court of Appeals, which had ordered the retrial. On 21 April, a panel of EULEX judges at the Mitrovica Basic Court released the defendant from house detention but requested him to report to the police station in North Mitrovica twice a week.

On 12 May, in the *Klecka* case, a panel of one local judge and two EULEX judges at the Supreme Court rejected the request of EULEX prosecutors for protection of legality as ungrounded, which effectively means that all indicted individuals in this high-profile war crimes case have been acquitted.

On 3 July, a panel of one local judge and two EULEX judges at the Supreme Court granted one defendant's appeal in the *Drenica I* war crimes case and released him from detention on remand.

*Organized crime and corruption*

On 5 May, a panel of EULEX judges at the Mitrovica Basic Court pronounced a judgment against a defendant in a case relating to a shooting incident at a bar in North Mitrovica in 2015, which left three persons injured. The defendant was acquitted of the charges of light bodily injury and causing general danger, but convicted of unauthorized ownership, control and possession of weapons. The panel

gave the defendant a suspended sentence of one year's imprisonment, with a verification period of three years.

On 1 June, a panel of one local judge and two EULEX judges at the Pristina Basic Court issued a ruling extending, for a period of two months, detention on remand against a defendant who is accused of, inter alia, organized crime and aggravated murder. On 9 June, a panel of one local judge and two EULEX judges at the Court of Appeals passed a ruling ordering that the defendant be released on condition of bail of €2 million being provided, either in cash to the account of the court or in the form of a mortgage on real estate, for the amount of the bail. On 28 June, the defendant was released on bail.

*Other serious crimes*

On 5 July, some 100 Kosovo police officers, along with 35 EULEX police officers, carried out a search and arrest operation in a continuing investigation relating to the aggravated murder of one UNMIK officer and one Kosovo police officer and to the attempted aggravated murder of two other UNMIK officers in 2004. Four persons were arrested during the operation.

*Capacity-building*

On 20 April, EULEX hosted a conference, organized with the European Police Office (Europol), that was aimed at identifying opportunities for cooperation in the fight against arms trafficking. The conference was attended by senior members of the Kosovo police and other international organizations. It was the first executive-level police seminar held in Kosovo on the illegal manufacturing of, possession of and trafficking in small arms.

On 2 and 3 June, a two-day EULEX conference and training session were held to enhance the capacity of 37 Kosovo prosecutors in the areas of corruption and asset confiscation.

*Institute of Forensic Medicine*

EULEX forensic experts at the Kosovo Institute of Forensic Medicine continued their work in clearing the backlog of autopsy and clinical examination reports. They also provided support and assistance to local institutions in relation to the secondary legislation to the Law on Forensic Medicine. On 20 June, EULEX forensic experts concluded the site assessment at Kiževak, in the Rudnica mining complex in Serbia, which had lasted 140 days and resulted in no findings. Two local doctors successfully completed an online course in forensic anthropology, organized by EULEX.

*Property rights*

The Kosovo Property Agency Appeals Panel received 4 new appeals and adjudicated 45 appeals, while 281 appeals are pending a decision of the Panel.

The Special Chamber of the Supreme Court for privatization matters rendered 402 decisions in first-instance trial panel cases and finalized 73 cases at the appellate panel level.

## 2.2 Strengthening

EULEX continued to monitor hearings in several cases transferred to local authorities. It conducted an assessment of court registries on the basis of the applicable rules and standards. In addition, interviews with the heads of case management offices of the six Basic Courts and visits to the facilities were

conducted. Coherent case management is a precondition for an efficient and effective justice system. The most pressing issues found were a shortage of staff, a lack of space for archiving and a lack of compliance with existent regulations and directives. While, in some cases, such non-compliance is a result of the absence of minimum preconditions (staff, office and archives space, etc.), in others it is a result of a lack of awareness, leading to deviation from the implementation of the sufficiently detailed regulations by the different case management offices.

The merit-based selection of judges, court presidents and chief prosecutors continues to be a challenge. On 22 and 23 April, the Kosovo Judicial Council repeated the written test for the selection of 61 Basic Court judges, this time strictly adhering to the rules and regulations. The test was organized for only the 75 candidates who had initially passed the qualification test before the Kosovo Judicial Council decided to lower the threshold in the middle of the recruitment process, in October 2016. In response to heavy criticism by the international community, including EULEX, the Council had decided to revert the recruitment process to the stage at which the qualifying test was conducted. In May, 78 candidates were interviewed, and on 6 June, the Council published the results of the competition. Fifty-five candidates reached the required number of points and 54 are awaiting appointment by the President of Kosovo (one candidate withdrew owing to health reasons).

On 12 June, the Constitutional Court declared the decision of the Kosovo Judicial Council on the selection of the President of the Supreme Court invalid following an appeal by one of the non-selected candidates, and ordered the Council to conduct a new voting process in accordance with its findings. In response, the Normative Committee of the Kosovo Judicial Council drafted amendments to the Regulation on the Selection of Court Presidents. In support of the view that the selection of the highest judicial positions should be based on the principles of equality, merit and transparency so as to ensure public trust in the judiciary and the prosecution, two joint letters were sent by the European Union Special Representative in Kosovo, the EULEX Head of Mission and the Ambassadors of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the Chair of the Judicial Council, before and after the Constitutional Court decision. In this context, EULEX recommended the inclusion of more extensive amendments and the postponement of the adoption of any amendment until the Constitutional Court renders a judgment in the pending case against the selection of the President of the Court of Appeals. The Council agreed to postpone any further decision accordingly.

The preferential treatment of high-profile prisoners in the determination of the detention conditions of a select group of inmates remains an issue of concern. This is displayed in the suspension of sentences for medical reasons, frequent hospital visits and the downgrading of "high-risk" inmates to "medium-risk", which excludes extra security measures, against the explicit advice of EULEX.

On 16 May, the Minister of Justice extended the suspension of sentence of a high-profile prisoner who had been sentenced to serve 15 years for war crimes, for medical reasons, until amendments to the new Law on the Execution of Penal Sanctions entered into force on 26 May. That prisoner failed to return to prison, however. EULEX held several meetings with the Kosovo Correctional Service, including one with the President of the Mitrovica Basic Court — the competent court, according to the new Law on the Execution of Penal Sanctions — urging the Service to take action. On 15 June, the Service issued an arrest warrant, resulting in the prisoner's return to Dubrava Prison on the same day. On 3 July, upon invitation by the President of the Basic Court in Vushtrri/Vučitrn, which currently substitutes for the Mitrovica Basic Court, EULEX began to monitor the court session on the case.

The establishment of the Kosovo Correctional Service Assessment Centre, which is responsible for the proper categorization and sentence planning of inmates, is advancing steadily with the support of a project funded by EULEX. In May and June, training sessions were focused on general assessment concepts and risk assessments were delivered, including study trips for Kosovo Correctional Service assessment staff and senior managers to assessment centres in Finland and Sweden. Nevertheless, a lack of rehabilitation programmes continues to create a challenge for proper sentence planning and implementation.

On 13 June, the committee charged with the selection of a new Director General of the Kosovo Correctional Service shortlisted four candidates for interviews. Interviews were conducted on 27 and 28 June, but resulted in a non-transparent process owing to the fact that fewer than three candidates participated in the interviews. Later, however, a third candidate, who had announced that he would not participate, was interviewed. None of the candidates reached the necessary threshold for selection. On 3 July, the Ministry of Justice officially cancelled the process. EULEX has serious concerns about the selection process. It strongly recommends a review of the selection criteria before the vacancy is re-advertised owing to concerns about the qualification requirements.

On 19 April, the Kosovo authorities launched a strategy and action plan for protection from domestic violence, covering the period 2016-2020, whose drafting process EULEX contributed to. At the launch event, the Minister of Justice presented the strategy and announced that a new national coordinator for domestic violence had been appointed. This is an important step in combating domestic and gender-based violence.

In May, EULEX finalized its assessment of a strategic development plan of the Kosovo police, covering the period 2016-2020. It shared the plan with the General Director of the police, who will use it to drive further improvements in appropriate areas. EULEX analysed the annual plans of the regional directorate of police for 2016 and 2017 for quality and compliance with the strategic development plan and the annual plans of the Kosovo police at the central level for 2016 and 2017. While the plans of the police at the central level represent appropriate instruments for improving police work, an assessment of the annual plans of the regional directorate of police demonstrated that implementation at the regional level is often inadequate, lacking depth and a common standard approach.

In response to the repeated attacks and potentially ethnically motivated incidents in North Mitrovica since the beginning of the year, EULEX mentored the Kosovo police regional directorate in North Mitrovica on the current investigations and advised it on proactive investigative options and preventive activities. It also facilitated operational coordination and cooperation between the police in North and South Mitrovica. On both sides, EULEX observed a tangible interest in working together effectively.

Together with the Kosovo police, which, as the first security responder, deployed approximately 6,000 people on the day of the election for the parliamentary elections on 11 June, EULEX and KFOR fulfilled their respective roles as second and third security responders. Upon the request by the Kosovo police to ensure high visibility and act as a second security responder in Leposavić/Leposaviq in case of need, EULEX deployed one platoon of the formed police unit in that area, while two additional platoons remained on standby at the Mitrovica logistics base. In the framework of elections, EULEX provided security, including close protection in the north, and security situation awareness; logistical and administrative support to the European Union election observation mission. The observation mission also provided logistical support, such as equipment and vehicles, and limited situation awareness to OSCE staff deployed in the north.

The Mission advised Kosovo authorities on policing matters at the strategic level before, during and after the day of the election. During the pre-election phase, EULEX intensified its monitoring, mentoring and advising of the Kosovo police and held daily meetings with the station command teams at the Graçanica/Gračanica and Leposavić/Leposaviq police stations, assessing the security situation and potential election-related incidents. In addition, it engaged in an initial assessment of 33 election-related incidents recorded by the Kosovo police and conducted monitoring, mentoring and advising activities in 21 of those.

On 28 June, 1,500 participants, including Serbian politicians, gathered at the Gračanica/Graçanicë monastery and the Gazimestan site for the annual Vidovdan Day/Saint Vitus Day celebration. EULEX provided advice to the Kosovo police during the development and execution of its operational plan, assessing the performance of the police as professional and well planned. The celebration was held without any security incidents. As a result of the clashes and security incidents in connection with the Vidovdan Day/Saint Vitus Day celebration in 2012, the Kosovo police have improved their operations continuously year-on-year, culminating in their professional performance in 2017.

As a follow-up to a study visit to the United Kingdom by a senior delegation from Kosovo in March — organized by EULEX in partnership with an international customs liaison office in the United Kingdom and the United States Department of State — the Kosovo authorities set up a working group to review the National Centre for Border Management. The goal of the Centre is to provide Kosovo with the technical capacity for collating, analysing and disseminating information and to assist the border agencies in fighting corruption and cross-border and organized crime.

The annual review of the integrated border management plan was completed and finalized in June, at a workshop in Tirana, with funding from the Office of the United Nations High Commissioner for Refugees, before its presentation to the integrated border management executive board for approval. As an official member of the working group tasked with updating the plan, EULEX submitted comments on its final draft.

Following the decisions reached within the framework of the European Union-facilitated dialogue regarding the implementation of the freedom of movement agreement of 2011, the Ministry of Internal Affairs of Kosovo, in consultation with the Minister for Dialogue, has drafted two administrative instructions, one concerning the extension of KS licence plates and the other on the specific documentation and evidence needed for citizens to prove their identity. Both have been presented to and are currently awaiting signature by the Minister of the Interior.

On 21 April, a major step forward was taken when, based on the recommendations of EULEX, the Ministry of Internal Affairs of Kosovo decided to allow the 1,239 vehicles that have had temporary registration plates since October 2012 to be registered with RKS and KS licence plates issued by the authorities of Kosovo without a requirement for the owners to pay a customs fee.

Some progress was also made with regard to the implementation of the sticker regime that had been agreed in September 2016 to cover the acronyms "RKS" and "SRB" and the coat of arms on those licence plates with white stickers. Owing to the prolonged tender procedure for the supplier of the stickers, however, there are still delays.

## 3. Other key issues

Nothing significant to report.

# Annex II

## Specialist Chambers and Specialist Prosecutor's Office

Following the referral of the rules of procedure and evidence of the Chambers to the Specialist Chamber of the Constitutional Court on 27 March, the Specialist Chamber issued its first judgment, on 26 April, and then, after a revision of some provisions by the Plenary of Judges, a final judgment was delivered on 28 June, holding, unanimously, that the revised rules are not inconsistent with chapter II of the Constitution with respect to fundamental rights and freedoms. The President of the Specialist Chambers highlighted that the decision of the Specialist Chamber of the Constitutional Court guarantees that the rules embrace the highest human rights standards and that the rules ensure a robust system for the protection of individuals who may be at risk on account of their participation in the proceedings before the Specialist Chambers. On 5 July, the rules of procedure and evidence entered into force. The Specialist Chambers are now fully judicially operational and there are no legal impediments to receiving any filings or indictments.

# Annex III

## Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

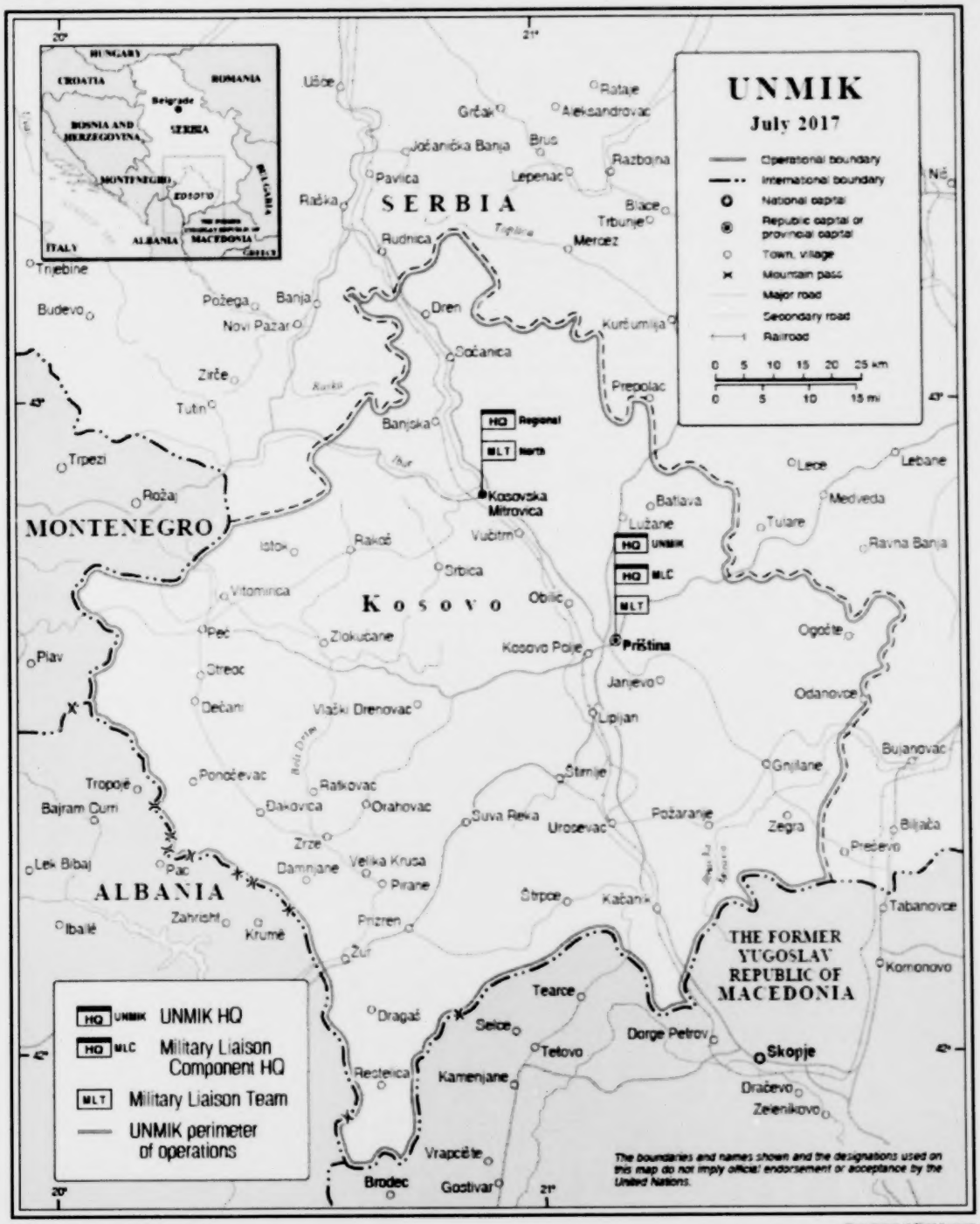
(as at 15 July 2017)

| *Country* | *Number* |
|---|---|
| Austria | 1 |
| Bulgaria | 1 |
| Finland | 1 |
| Germany | 1 |
| Hungary | 2 |
| Russian Federation | 1 |
| Turkey | 1 |
| **Total** | **8** |

## Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 July 2017)

| *Country* | *Number* |
|---|---|
| Czechia | 2 |
| Poland | 1 |
| Republic of Moldova | 1 |
| Romania | 1 |
| Turkey | 1 |
| Ukraine | 2 |
| **Total** | **8** |

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